FORM PTO-1390 (Modified) (REV 11-2000) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER	
01-1702	
U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR	
09/980265	
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE
PCT/FR00/01566	08 June 2000 (08.06.00)
PRIORITY DATE CLAIMED	
08 June 1999 (08.06.99)	

TITLE OF INVENTION

IMMUNOSTIMULANT OLIGONUCLEOTIDE

APPLICANT(S) FOR DO/EO/US

1) Monique Bachy **2) Regis Sodoyer** **3) Emmanuelle Trannoy**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☑ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☑ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☑ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
   a. ☐ is attached hereto (required only if not communicated by the International Bureau).
   b. ☑ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☑ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☑ is attached hereto.
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
   a. ☐ are attached hereto (required only if not communicated by the International Bureau).
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☑ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☑ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☑ Other items or information:

Patent Application Data Sheet
Redlined Version of Amended Claims
Clean Version of Amended claims
Return Postcard

JC03 Rec'd PCT/PTO 30 NOV 2001

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
09/980265	PCT/FR00/01566	01-1702

24. The following fees are submitted:.

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

		CALCULATIONS PTO USE ONLY
☐	Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	$1040.00
☑	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	$890.00
☐	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	$740.00
☐	International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)	$710.00
☐	International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)	$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT = $890.00

Surcharge of **$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). $0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	18 - 20 =	0	x $18.00	$0.00
Independent claims	1 - 3 =	0	x $84.00	$0.00
Multiple Dependent Claims **(check if applicable)**			☑	$280.00

TOTAL OF ABOVE CALCULATIONS = $1,170.00

☐ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2. $0.00

SUBTOTAL = $1,170.00

Processing fee of **$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). + $0.00

TOTAL NATIONAL FEE = $1,170.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) **(check if applicable).** ☐ $0.00

TOTAL FEES ENCLOSED = $1,170.00

Amount to be: refunded	$
charged	$

a. ☒ A check in the amount of **$1,170.00** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **13-2490** A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Michael S. Greenfield
MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 South Wacker Drive
Suite 3200
Chicago, Illinois 60606
US

SIGNATURE

Michael S. Greenfield
NAME

37,142
REGISTRATION NUMBER

November 30, 2001
DATE

#4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-1702)

In the Application of:	
Bachy et al.	Examiner: To be assigned
Serial No.: 09/980,265	Group Art Unit: To be assigned
Filing Date: June 8, 2000	
For: Immunostimulant Oligonucleotide	

RESPONSE TO NOTICE OF MISSING REQUIREMENTS

BOX PCT
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Missing Parts, applicants submit herewith an executed combined Declaration and Power of Attorney.

Also enclosed is a Sequence Listing in paper and computer-readable forms. The information recorded in computer readable form is identical to the paper form, and neither contain new matter.

Respectfully submitted,

Date: March 8, 2002

Michael S. Greenfield
Registration No. 37,142

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive, 32nd Floor
Chicago, IL 60606

Telephone: 312-913-0001
Facsimile: 312-913-0002

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, Washington D.C. 20231, on March 8, 2002.

Date: March 8, 2002

Michael S. Greenfield

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-1702)

In the Application of:	)	
	)	
Bachy et al.	)	
	)	**Examiner: TBA**
Serial No.: U.S. Nat'l Phase of PCT/FR00/01566	)	
	)	**Group Art Unit: TBA**
Filing Date: Int'l Filing Date June 8, 2000	)	
	)	
For: Oligonucleotide Immunostimulant	)	

PRELIMINARY AMENDMENT

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Please enter the following amendments before examination on the merits.

AMENDMENTS

In the claims:

Please cancel claims 15–18.

Please amend the claims to appear as follows and add the indicated new claims:

1. (Amended) An immunostimulant oligonucleotide comprising at least one nucleotide sequence having the formula 5' TTN_1N_2TT 3', wherein T signifies thymine, and N_1 and N_2 are each independently represent adenine, thymine, cytosine or guanine, and wherein the oligonucleotide lacks a dinucleotide CG in which the cytosine C is not methylated.

2. (Amended) The oligonucleotide as claimed in claim 1comprising from 6 to 100 nucleotides.

3. (Amended) The oligonucleotide as claimed in claim 1 wherein N_1 represents adenine and N_2 represents guanine.

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4. (Amended) The oligonucleotide as claimed in claim 1, wherein the 5' TTN_1N_2TT 3' unit is repeated at least once.

5. (Amended) The oligonucleotide as claimed in claim 4, wherein the 5' TTN_1N_2TT 3' unit is repeated twice.

6. (Amended) The oligonucleotide as claimed in either of claims 4 or 5, wherein the repeated 5' TTN_1N_2TT 3' units are separated by a nucleotide N_3 which is identical or different from other N_3 nucleotides and which is A, C, T, or G.

7. (Amended) The oligonucleotide as claimed in claim 6, wherein the 5'-most nucleotide N_3 is cytosine.

8. (Amended) The oligonucleotide according to claim 1 comprising the sequence 5' $TTAGTTCTTAGTTN_3TTAGTT$ 3', wherein A represents adenine, T represents thymine, G represents guanine and C represents cytosine, and wherein N_3 is A, T, C, or G.

9. (Amended) The oligonucleotide according to claim 1 that induces human lymphocyte proliferation.

10. (Amended) The oligonucleotide according to claim 1 that induces cytokine secretion.

11. (Amended) The oligonucleotide as claimed in claim 10 that induces IL 10 secretion.

12. (Amended) The oligonucleotide as claimed in claim 10 that induces γ interferon secretion.

13. (Amended) The oligonucleotide according to claim 1 that increases the expression of the activation marker CD86 on human B lymphocytes.

14. (Amended) The oligonucleotide according to claim 1 that increases the expression of the cytokine receptor CD25 on human B lymphocytes.

19. (Amended) An immunization composition for human use, comprising at least one immunization antigen and at least one oligonucleotide as claimed in claim 1.

20. (New) A method of stimulating an immune response in a human, the method comprising administering to the human an immunostimulating amount of a composition according to claim 1.

21. (New) A method of enhancing a human immune response to an antigen, the method comprising administering an oligonucleotide according to claim 1 to a human carrying the antigen or administering the oligonucleotide before or with administration of the antigen.

REMARKS

The claims of this U.S. national phase of a PCT application have been amended to bring them into conformance with U.S. practice. No new subject matter has been added, nor has the scope of the claims been amended.

If there are any questions or comments regarding this Response or application, the Examiner is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted,

Date: November 30, 2001

Michael S. Greenfield
Registration No. 37,142

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Telephone: 312-913-0001
Facsimile: 312-913-0002

U.S. NAT'L PHASE OF PCT/FR00/01566

New and Redlined Version of Amended Claims

1. (Amended) An immunostimulant oligonucleotide~~, characterized in that it comprises~~ comprising at least one nucleotide sequence having the ~~following~~ formula 5' TTN_1N_2TT 3', ~~in which~~ wherein T signifies thymine, and N_1 and N_2 ~~may~~ are each independently represent adenine, thymine, cytosine or guanine, and ~~in that it~~ wherein the oligonucleotide lacks a dinucleotide CG in which the cytosine C is not methylated.

2. (Amended) The oligonucleotide as claimed in claim 1~~, characterized in that it comprises~~ comprising from 6 to 100 nucleotides.

3. (Amended) The oligonucleotide as claimed in claim 1~~, characterized in that~~ wherein N_1 represents adenine and ~~in that~~ N_2 represents guanine.

4. (Amended) The oligonucleotide as claimed in ~~one of the preceding claims, characterized in that~~ claim 1, wherein the 5' TTN_1N_2TT 3' unit is repeated at least once.

5. (Amended) The oligonucleotide as claimed in ~~the preceding claim, characterized in that~~ claim 4, wherein the 5' TTN_1N_2TT 3' unit is repeated twice.

6. (Amended) The oligonucleotide as claimed in either of claims 4 ~~and~~ or 5, ~~characterized in that~~ wherein the repeated 5' TTN_1N_2TT 3' units are separated by a nucleotide N_3 which~~, each time, may be~~ is identical or different from other N_3 nucleotides~~,~~ and which ~~may represent~~ is A, C, T, or G.

7. (Amended) The oligonucleotide as claimed in ~~the preceding~~ claim 6, ~~characterized in that~~ wherein the 5'-most nucleotide N_3 ~~separating the first two TTN_1N_2TT units read when the sequence is in the 5' → 3' orientation represents~~ is cytosine.

8. (Amended) The oligonucleotide ~~as claimed in one of the preceding claims~~according to claim 1~~, characterized in that it comprises~~ comprising the sequence 5' $TTAGTTCTTAGTTN_3TTAGTT$ 3', ~~in which~~ wherein A represents adenine, T represents thymine,

G represents guanine and C represents cytosine, and ~~in which~~ wherein N_3 ~~may signify~~ is A, T, C, or G.

9. (Amended) The oligonucleotide ~~as claimed in one of the preceding claims~~according to claim 1~~, characterized in~~ that ~~it is capable of~~ induc~~e~~sing human lymphocyte proliferation.

10. (Amended) The oligonucleotide ~~as claimed in one of the preceding claims~~according to claim 1~~, characterized in~~ that ~~it is capable of~~ induc~~e~~s cytokine secretion.

11. (Amended) The oligonucleotide as claimed in ~~the preceding~~ claim 10~~, characterized in~~ that ~~it is capable of producing~~induces IL 10 secretion.

12. (Amended) The oligonucleotide as claimed in claim 10~~, characterized in~~ that ~~it is capable of~~ induc~~e~~s γ interferson secretion.

13. (Amended) The oligonucleotide ~~as claimed in one of the preceding claims~~according to claim 1~~, characterized in~~ that ~~it is capable of~~ increase~~s~~ing the expression of the activation marker CD86 on human B lymphocytes.

14. (Amended) The oligonucleotide ~~as claimed in one of the preceding claims~~according to claim 1~~, characterized in~~ that ~~it is capable of~~ increasin~~e~~s the expression of the cytokine receptor CD25 on human B lymphocytes.

~~15. The use of an oligonucleotide as claimed in one of the preceding claims, for manufacturing a medicinal product.~~

~~16. The use of an oligonucleotide as claimed in one of claims 1 of 10, for manufacturing a human immunostimulant.~~

~~17. The use of an oligonucleotide as claimed in one of claims 1 to 10, for manufacturing an immunization adjuvant.~~

~~18. The use of an oligonucleotide as claimed in one of claims 1 to 10, for manufacturing an immunization composition.~~

19. (Amended) An immunization composition for human use, comprising at least one immunization antigen~~, characterized in that it also~~ and ~~comprises~~ at least one oligonucleotide as claimed in ~~one of claims 1-10~~claim 1.

20. (New) A method of stimulating an immune response in a human, the method comprising administering to the human an immunostimulating amount of a composition according to claim 1.

21. (New) A method of enhancing a human immune response to an antigen, the method comprising administering an oligonucleotide according to claim 1 to a human carrying the antigen or administering the oligonucleotide before or with administration of the antigen.

U.S. NAT'L PHASE OF PCT/FR00/01566

New and Clean Version of Amended Claims

1. (Amended) An immunostimulant oligonucleotide comprising at least one nucleotide sequence having the formula 5' TTN_1N_2TT 3', wherein T signifies thymine, and N_1 and N_2 are each independently represent adenine, thymine, cytosine or guanine, and wherein the oligonucleotide lacks a dinucleotide CG in which the cytosine C is not methylated.

2. (Amended) The oligonucleotide as claimed in claim 1comprising from 6 to 100 nucleotides.

3. (Amended) The oligonucleotide as claimed in claim 1 wherein N_1 represents adenine and N_2 represents guanine.

4. (Amended) The oligonucleotide as claimed in claim 1, wherein the 5' TTN_1N_2TT 3' unit is repeated at least once.

5. (Amended) The oligonucleotide as claimed in claim 4, wherein the 5' TTN_1N_2TT 3' unit is repeated twice.

6. (Amended) The oligonucleotide as claimed in either of claims 4 or 5, wherein the repeated 5' TTN_1N_2TT 3' units are separated by a nucleotide N_3 which is identical or different from other N_3 nucleotides and which is A, C, T, or G.

7. (Amended) The oligonucleotide as claimed in claim 6, wherein the 5'-most nucleotide N_3 is cytosine.

8. (Amended) The oligonucleotide according to claim 1 comprising the sequence 5' $TTAGTTCTTAGTTN_3TTAGTT$ 3', wherein A represents adenine, T represents thymine, G represents guanine and C represents cytosine, and wherein N_3 is A, T, C, or G.

9. (Amended) The oligonucleotide according to claim 1 that induces human lymphocyte proliferation.

10. (Amended) The oligonucleotide according to claim 1 that induces cytokine secretion.

11. (Amended) The oligonucleotide as claimed in claim 10 that induces IL 10 secretion.

12. (Amended) The oligonucleotide as claimed in claim 10 that induces γ interferon secretion.

13. (Amended) The oligonucleotide according to claim 1 that increases the expression of the activation marker CD86 on human B lymphocytes.

14. (Amended) The oligonucleotide according to claim 1 that increases the expression of the cytokine receptor CD25 on human B lymphocytes.

19. (Amended) An immunization composition for human use, comprising at least one immunization antigen and at least one oligonucleotide as claimed in claim 1.

20. (New) A method of stimulating an immune response in a human, the method comprising administering to the human an immunostimulating amount of a composition according to claim 1.

21. (New) A method of enhancing a human immune response to an antigen, the method comprising administering an oligonucleotide according to claim 1 to a human carrying the antigen or administering the oligonucleotide before or with administration of the antigen.

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Bachy, Monique
Sodoyer, Regis
Trannoy, Emmanuelle

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IMMUNOSTIMULANT OLIGONUCLEOTIDE

The present invention relates to the domain of immunostimulants. More particularly, the invention relates to oligonucleotides capable of stimulating human cells involved in the immune system, and to the use thereof as an immunization adjuvant.

A large number of oligonucleotides have already been described in the prior art, in relation to their immunostimulant properties. Thus, application EP0468520 describes immunostimulant polynucleotides consisting of a linear DNA single strand comprising from 10 to 100 nucleotides linked together according to a palindromic sequence.

According to application WO 96/02555, the immunostimulatory activity of oligonucleotides is linked to the presence of a 5′ CG 3′ dinucleotide sequence in which C is not methylated, the immunostimulant activity being greater if the CG unit is preceded in 5′ by the dinucleotide GA and/or followed in 3′ by the dinucleotide TC or TT.

On the other hand, according to patent application WO 98/52962, it is not necessary for the oligonucleotides to have a minimum of 8 nucleotides, as had been described previously, or for their sequence to be a palindrome, or even for them to comprise the dinucleotide CG; thus, this application describes the following 3 oligonucleotides for their use as an immunization adjuvant:
5′ GACGTT 3′, 5′ GAGCTT 3′, and 5′ TCCGGA 3′.

According to US patent 5,663,153, the immunostimulant activity of oligonucleotides is not linked to the sequence of the nucleotides, but to the nature of the bond between nucleotides, the presence of at least one

phosphorothioate bond making it possible to induce stimulation of the immune system.

Most tests of the prior art for evaluating the immunostimulant activity of the oligonucleotides provided are carried out either in vitro, on animal cells (essentially murine cells), or in vivo on mice. However, the differences which exist between the immune system of mice and that of humans have led to differences between the results obtained on murine cells and those obtained on human cells. It is therefore not certain that all the oligonucleotides which have been described as immunostimulant in the prior art really are immunostimulant with respect to humans.

Now, the pharmaceutical industry is in great need of immunostimulants which can be administered to humans, in particular in the field of vaccines.

The aim of the present invention is therefore to propose oligonucleotides capable of stimulating cells of the immune system of humans.

In order to achieve this aim, a subject of the invention is an oligonucleotide capable of stimulating human cells of the immune system, characterized in that it comprises at least one sequence 5' T T N_1 N_2 T T 3' in which T is thymine, and N_1 and N_2 may each represent adenine, thymine, cytosine or guanine, and in that it lacks a dinucleotide CG in which the cytosine C is not methylated.

A subject of the invention is also the use of such an oligonucleotide, for manufacturing a medicinal product.

According to one characteristic of the invention, the oligonucleotide comprises from 6 to 100 nucleotides.

According to a particular characteristic, the oligonucleotide according to the invention is characterized in that N_1 represents adenine and in that N_2 represents guanine.

According to another characteristic, the oligonucleotide according to the invention is characterized in that the 5′ T T N_1 N_2 T T 3′ unit is repeated at least once.

According to another characteristic, the oligonucleotide according to the invention is characterized in that the 5′ T T N_1 N_2 T T 3′ unit unit is repeated twice.

According to another characteristic, the oligonucleotide according to the invention is characterized in that the repeated 5′ T T N_1 N_2 T T 3′ units are separated by a nucleotide N_3 which, each time, may be identical or different, and which may represent A, C, T or G.

According to a particular characteristic, the oligonucleotide according to the invention is characterized in that the nucleotide N_3 separating the first two TTN_1N_2TT units read when the sequence is in the 5′ → 3′ orientation represents cytosine.

According to another characteristic, the oligonucleotide according to the invention is characterized in that it comprises the sequence 5′ TTAGTTCTTAGTTN_3TTAGTT 3′, in which A represents adenine, T represents thymine, G represents guanine and C represents cytosine, and in which N_3 may signify A, T, C or G.

According to another characteristic, the oligonucleotide according to the invention is capable of inducing human lymphocyte proliferation.

According to another characteristic, the oligonucleotide according to the invention is capable of increasing the expression of the activation marker CD86 and of the receptor CD25 on human B lymphocytes.

According to another characteristic, the oligonucleotide according to the invention is capable of inducing cytokine secretion.

A subject of the invention is also an immunization adjuvant, characterized in that it comprises at least one oligonucleotide which is capable of stimulating human cells of the immune system and which contains at least one sequence 5′ T T N_1 N_2 T T 3′ in which T is thymine, and N_1 and N_2 may each represent adenine, thymine, cytosine or guanine, the oligonucleotide lacking a CG dinucleotide sequence in which the cytosine C is not methylated.

A subject of the invention is also an immunization composition for human use, comprising at least one immunization antigen, characterized in that it also comprises at least one oligonucleotide which is capable of stimulating human cells of the immune system and which contains at least one sequence 5′ T T N_1 N_2 T T 3′ in which T signifies thymine, and N_1 and N_2 may each represent adenine, thymine, cytosine or guanine, the oligonucleotide lacking a CG dinucleotide sequence in which the cytosine C is not methylated.

The present invention will be more clearly understood upon reading the following description, with reference to figures 1 to 11 which illustrate the results obtained in the tests described in Examples 2 to 7.

In particular, figures 1 and 2 indicate the number of counts per minute obtained in the test of the example.

Figures 3 and 5 indicate the percentage of CD20+ cells expressing the CD25 receptor, for the oligonucleotides obtained according to Example 1.

Similarly, figures 4 and 6 indicate the percentage of CD20+ cells expressing the CD86 marker.

Figure 7 indicates the number of counts per minute obtained in the test of Example 4.

Figure 8 indicates the percentage of CD20+ cells expressing the CD25 receptor, for the oligonucleotides obtained according to Example 4. Similarly, Figure 9 indicates the percentage of CD20+ expressing the CD86 marker.

Figure 10 indicates the number of spots measured for the secretion of γ interferon by cells stimulated in the presence of the oligonucleotides having the sequences 9 to 12 described in Example 4.

Figure 11 indicates the number of spots measured for the secretion of IL10 by cells stimulated in the presence of the oligonucleotides having the sequences 9 to 12 described in Example 4.

For the purposes of the present invention, the term "oligonucleotide" is intended to mean a polynucleotide comprising at least six nucleotides. Specifically, contrary to the teaching of the article entitled *"CpG motifs in bacterial DNA trigger direct B-cell activation"*, Krieg et al., Nature 1995, it was noted that it is not necessary for the oligonucleotide to have at least 8 nucleotides. On the other hand, the upper limit of the size of the oligonucleotides is not really determined. It may, however, be noted that, the longer the oligonucleotide, the more difficult it will be to purify it during the steps of synthesis and the higher the cost price thereof. In addition, it is

probable that a very long oligonucleotide will find it more difficult to penetrate cells. Thus, for the needs of the present invention, it is considered that limiting the size of the oligonucleotide to 100 nucleotides is suitable. This oligonucleotide is preferably a single-stranded oligonucleotide; it may be an oligodeoxyribonucleotide or an oligoribonucleotide. Particularly good results have been obtained using an oligodeoxyribonucleotide. The oligonucleotides which are suitable for the purposes of the invention may be in phosphodiester form or, in order to be more stable, in the form of phosphorothioates or phosphodiester/phosphorothioate hybrids. Those preferred are phosphorothioate oligonucleotides.

The oligonucleotide according to the invention is capable of stimulating human cells of the immune system, such as B lymphocytes, T lymphocytes, monocytes and dendritic cells. This stimulation is assessed, in particular, by lymphoproliferation or by the expression of markers, such as the cytokine receptor CD25 or the activation marker CD86 on B lymphocytes. It is possible to select the oligonucleotides of interest using tests other than those provided in the present application, on the condition, however, that they are tests which evaluate the capacity for stimulating human cells and not, as in most of the documents of the prior art, tests which evaluate the capacity for stimulating murine cells. It would, in particular, be possible to test the expression of other B lymphocyte activation markers, such as the CD69 markers, or the expression of proliferation markers, such as the KI67 marker; tests relating to an increase in activation markers and maturation markers of dendritic cells may also be used. Similarly, tests for assessing an increase in production of certain cytokines may also be used.

According to one characteristic of the invention, the oligonucleotide comprises at least one nucleotide

sequence 5′ T T N_1 N_2 T T 3′ in which T signifies thymine, and N_1 and N_2 may each represent adenine, thymine, cytosine or guanine. This formula thus covers 16 possibilities. This sequence may be 5′-terminal or 3′-terminal, or be surrounded by other nucleotides. It may be unique or repeated several times identically within the same oligonucleotide. An oligonucleotide according to the invention may also comprise several different sequences each corresponding to the 5′ T T N_1 N_2 T T 3′ unit.

According to the invention, the oligonucleotide does not comprise a palindromic sequence. Despite this absence of palindromic sequence, such an oligonucleotide is capable of stimulating human cells of the immune system.

According to one characteristic, the oligonucleotide according to the invention lacks a dinucleotide CG in which the cytosine is not methylated. This exclusion also applies to the N_1 N_2 unit. The ability of the oligonucleotides of the prior art to be immunostimulant has almost always been interpreted as being linked to the presence of nonmethylated CpG units (cf. in particular the article by Krieg et al. in Nature of April 1995, mentioned above), this interpretation being coherent with the observation according to which the frequency of this dinucleotide is approximately four times greater in the genome of bacteria than in that of vertebrates. Surprisingly, it has now been found that oligonucleotides completely lacking this dinucleotide unit are, however, entirely capable of stimulating the cells of the human immune system.

According to a particular embodiment of the present invention, the N_1N_2 unit corresponds to the dinucleotide AG in which A signifies adenine and G signifies guanine.

According to an advantageous characteristic, the 5' TTAGTT 3' unit is repeated at least once in the oligonucleotide, and preferably at least twice. More preferably, the repeated units are separated by at least one nucleotide N_3, which represents adenine, cytosine, guanine or thymine. Within an oligonucleotide, this separating nucleotide may always be the same or may be different each time. Preferably, the nucleotide separating the first two TTAGTT units of the oligonucleotide (taking the direction for reading to be 5'→3') consists of cytosine.

In particular, for the purpose of the present invention, those oligonucleotides in which the nucleotide sequences correspond to the formula 5' TTAGTTCTTAGTTN_3TTAGTT 3', in which N_3 represents A, T, C or G, are preferred.

According to a particular characteristic, the oligonucleotide according to the invention lacks or is low in nucleotide sequence capable of inhibiting the cells of the human immune system. In fact, in order to obtain an overall immunostimulant effect, if inhibitory or neutralizing units such as, for example, those described in application WO 98/52581 are present, their effect must be suppressed or decreased, through the presence of a sequence with more pronounced immunostimulant effect or through the presence of a greater number of 5' T T N_1 N_2 T T 3' sequences.

A subject of the present invention is also an immunization adjuvant comprising at least one immunostimulant oligonucleotide having at least one 5' T T N_1 N_2 T T 3' unit as mentioned above. The term "immunization adjuvant" is intended to mean a product which makes it possible to increase or to modify the response of the immune system of an organism with respect to the administration of an antigen. In

particular, it may be an increase in the humoral response or in the cellular response.

The action of an immunization adjuvant may also be, not an increase in the response which would occur in the absence of adjuvant, but a different orientation of the response produced: for example, orientation toward a cellular response rather than a humoral response, production of certain cytokines rather than others, production of certain antibody types or subtypes rather than others, stimulation of certain cells rather than others, etc.

The immunostimulant oligonucleotide of the present invention may be used as an immunization adjuvant whatever the nature of the antigen administered and whatever the number of valencies used. It may be the only adjuvant used or, on the contrary, it may be one element of an adjuvant combination.

The adjuvant action of the oligonucleotide according to the invention may be obtained either when it is combined with the antigen(s) when they are administered, i.e. when they are part of the same immunization composition, or when it is administered separately from the antigen(s). It is, however, preferred to use it in the same immunization composition as the antigen(s) to be administered.

The oligonucleotide according to the invention may advantageously be administered via all the routes which can be used for an immunization composition: mucosal route or systemic route.

One of the subjects of the invention is an immunization composition comprising at least one immunostimulant oligonucleotide having a 5′ T T N_1N_2 T T 3′ sequence as described above.

An immunization composition according to the invention may be intended for immunization against a single disease or intended for immunization against several diseases. It may be a liquid immunization composition or a lyophilized composition. It may comprise, besides the antigens, all or some of the components conventionally present in a vaccine, such as buffers, stabilizers, preserving agents, etc. It may also comprise one or more adjuvant(s) other than those which are subjects of the present invention. It may also comprise several adjuvants which are subjects of the present invention, consisting either of oligonucleotides which all have the same 5′ T T N_1 N_2 TT 3′ unit but which differ by the nucleotides in 5′ and/or in 3′, or nucleotides which have different 5′ T T N_1 N_2 T T 3′ units, the sequence in 5′ and in 3′ of which are identical or different.

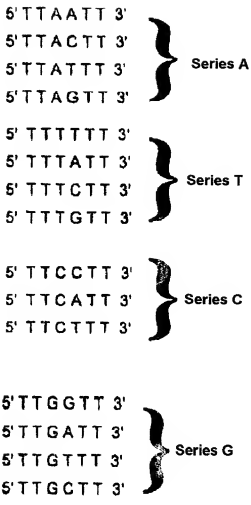
The immunization composition according to the invention may be intended for prophylactic administration or for therapeutic administration.

The immunization composition according to the invention may be formulated so as to optimize the adjuvant action of the oligonucleotide which is the subject of the invention. Thus, the oligonucleotide may be coupled to a lipid, such as cholesterol; it may be integrated into an emulsion of the oil/water type or formulated in the form of liposomes.

The following examples illustrate particular embodiments of the present invention.

<u>Example 1: Oligonucleotide synthesis</u>

15 oligonucleotides were synthesized, each having one of the following units:



and having 4 adenines in 5′ and 5 adenines in 3′.

These oligonucleotides are synthesized using an automatic synthesizer supplied by Applied Biosystems, which uses the standard phosphoramidite chemical method and which comprises, in each cycle, an oxidation step, which is carried out using a tetraethylthiuram/acetonitrile solution, in order to obtain a phosphorothioate bond.

An oligonucleotide A15(S) which comprises only As and which is phosphorothioate throughout its length is also prepared, in the same way. This oligonucleotide is a negative control since it causes neither proliferation nor an increase in the expression of activation markers on B lymphocytes.

An oligonucleotide 3Db(S), the sequence of which is identified in patent application WO96/02555 under SEQ ID No. 15 (5'GAGAACGCTCGACCTTCGAT3'), is also prepared; this oligonucleotide comprises phosphorothioate bonds throughout its length and is used as a positive control.

All the oligonucleotides are maintained in solution in PBS buffer.

Example 2: Lymphoproliferation test

Lymphocytes are isolated from the peripheral blood of a donor by carrying out a centrifugation on a Ficoll gradient. These lymphocytes are adjusted to 2×10^6 cells/ml in culture medium (RPMI 1640 + 10% fetal calf serum, and also glutamine, streptomycin and penicillin).

The cells are distributed into 96-well plates (round-bottomed) in 100 µl, i.e. 2×10^5 cells per well. 100 µl of a 4 µM solution of oligonucleotides to be tested produced in Example 1 (a single type of oligonucleotide per well) are then added in order to obtain a 2 µM final concentration.

The cells are incubated for 48 to 72 hours.

Tritiated thymidine (Amersham TRK 120) is diluted in culture medium and then distributed in the plates in the proportion of 1 µCi per well in 50 µl. After incubation for 7 to 8 hours in an incubator (5% CO_2, 37°C), the plates can be frozen at -80°C and treated later.

Using a "Harvester", the content of the wells is harvested onto Unifilter GF/C plates and 6 washes in distilled water are carried out followed by a wash in 70% ethanol in order to precipitate the DNA.

After drying the plates, 25 µl of liquid scintillant (Microscint-40, Packard) are distributed into each well and allow the radioactivity (radiation emitted by tritium) to be quantified by measuring the number of counts/minute (cpm) emitted by each well on a Top Count counter (Packard).

The results obtained for each of the oligonucleotides tested are represented on figures 1 and 2, which indicate, for each oligonucleotide tested, the number of counts per minute; it is noted that all the nucleotides according to the invention have a result which is clearly greater than the result obtained with the medium alone or the negative control A15(S), which means that they are all capable of stimulating lymphocyte proliferation.

<u>Example 3</u>:

<u>Test relating to activation markers</u>

The test is carried out using lymphocytes isolated from a donor as described in the previous example, and adjusted to 2×10^6 cells/ml in the same culture medium.

The cells are then distributed into 12-well plates in a volume of 2 ml, i.e. 4×10^6 cells/well. An amount of oligonucleotides to be tested prepared in Example 1 (1 oligonucleotide/well) which is sufficient to obtain a 2 µM oligonucleotide concentration is added to each well. The cells are then incubated for 72 hours at 37°C. The cells are then double-labeled using CD25PE/CD20FITC or CD86PE/CD20FITC, followed by analysis on a FACScan. The results obtained are illustrated on figures 3, 4, 5 and 6, which represent, for each oligonucleotide tested, the percentage of B cells (CD20+) which express the CD25 receptor (those which are CD25+) or the CD86 marker (those which are

CD86+). The results represented on figures 3 and 4 were obtained in a test carried out at a different time from the test for which the results are illustrated on figures 5 and 6, which explains the difference in the order of magnitude of the results obtained. Specifically, in this type of manipulation, the tests are very variable from one assay to the other, and only the results obtained in the same test are comparable with one another, hence the necessity of including, in each test, an oligonucleotide-control and also an assay of the medium alone.

It is noted that all the oligonucleotides which are subjects of the invention activate the B lymphocytes which express their activation marker CD86, and also the cytokine receptor CD25.

Example 4:

In the same way as in Example 1, a series of 16 oligonucleotides are prepared, which have the following sequences:

Seq ID 1 : 5′ TTAGTTATTAGTTATTAGTT 3′
Seq ID 2 : 5′ TTAGTTATTAGTTTTTAGTT 3′
Seq ID 3 : 5′ TTAGTTATTAGTTCTTAGTT 3′
Seq ID 4 : 5′ TTAGTTATTAGTTGTTAGTT 3′
Seq ID 5 : 5′ TTAGTTTTTAGTTATTAGTT 3′
Seq ID 6 : 5′ TTAGTTTTTAGTTTTTAGTT 3′
Seq ID 7 : 5′ TTAGTTTTTAGTTCTTAGTT 3′
Seq ID 8 : 5′ TTAGTTTTTAGTTGTTAGTT 3′
Seq ID 9 : 5′ TTAGTTCTTAGTTATTAGTT 3′
Seq ID 10 : 5′ TTAGTTCTTAGTTTTTAGTT 3′
Seq ID 11 : 5′ TTAGTTCTTAGTTCTTAGTT 3′
Seq ID 12 : 5′ TTAGTTCTTAGTTGTTAGTT 3′
Seq ID 13 : 5′ TTAGTTGTTAGTTATTAGTT 3′
Seq ID 14 : 5′ TTAGTTGTTAGTTTTTAGTT 3′
Seq ID 15 : 5′ TTAGTTGTTAGTTCTTAGTT 3′
Seq ID 16 : 5′ TTAGTTGTTAGTTGTTAGTT 3′

These oligonucleotides are of the phosphorothioate type throughout their length.

Example 5:

The capacity of the oligonucleotides prepared in Example 4 to induce human lymphocyte proliferation is evaluated using a lymphoproliferation test such as the one described in Example 2. In the same way as in Example 2, the oligonucleotide concentration per well is 2 μM and the controls consist of the medium alone, the oligonucleotide A15(S) and the oligonucleotide 3Db(S).

The results obtained, expressed in counts per minute, are represented in figure 7, which shows that all the oligonucleotides according to the invention are capable of inducing lymphocyte proliferation and that particularly good results are obtained when the sequences of the oligonucleotides are those identified by Seq IDs 9 to 12, i.e. when cytosine separates the first two TTN_1N_2TT units of the oligonucleotide.

Example 6:

The capacity of the oligonucleotides prepared in Example 4 to induce the expression of the activation marker CD86 and of the receptor CD25 on B lymphocytes is evaluated. This evaluation is carried out using the test described in Example 3. The results obtained with the oligonucleotides prepared according to Example 4 are represented on figures 8 and 9, which illustrate the percentages of B cells (CD20+) which also express the receptor CD25 (figure 8) or the marker CD86 (figure 9).

The results obtained in this test confirm those obtained in the lymphoproliferation test: all the

oligonucleotides according to the invention induce the expression of activation markers on human B lymphocytes; particularly good results are obtained when the first 2 TTN_1N_2TT units of the oligonucleotide are separated by cytosine.

Example 7:

The capacity of the oligonucleotides according to the present invention to induce cytokine secretion is evaluated.

For this evaluation, lymphocytes are isolated from the peripheral blood of a donor by carrying out a centrifugation on a Ficoll gradient. These lymphocytes are adjusted to 2×10^6 cells/ml in culture medium (AIM V medium + streptomycin + penicillin).

ELISPOT 96-well plates (flat bottom made of nitrocellulose) are pre-incubated the day before with a solution of antibodies for capturing cytokines (IL-10 or γ IFN depending on the test carried out), and then saturated with culture medium.

Next, 100 µl of cells are distributed into the ELISPOT plates, i.e. 2×10^5 cells per well, and then 100 µl of a 4 µM solution of oligonucleotides to be tested, produced according to Example 4 (a single type of oligonucleotide per well) are added in order to obtain a 2 µM final concentration. The test is carried out with the oligonucleotides having the sequences described under Seq ID 9, Seq ID 10, Seq ID 11 and Seq ID 12.

The plates are incubated at 37°C, under a 5% CO_2 atmosphere. After incubation for 72 hours, the cells are removed by washing in the presence of detergent (1% Tween) and the cytokines attached to the capture antibodies are revealed by successively adding

biotinylated detection antibodies (anti-IL-10 or anti-γ-IFN depending on the test carried out), streptavidin-HRP and the AEC substrate.

The spots (1 spot corresponding to 1 cytokine-secreting cell) are counted using an automatic counter. The results are expressed as number of spots (number of secretor cells) per million cells.

The results obtained for each of the oligonucleotides tested are represented on figures 10 and 11, which indicate, for each oligonucleotide tested, the number of cytokine-secreting cells per million total cells; it is noted that all the oligonucleotides according to the invention have a result which is clearly greater than the result obtained with the medium alone or the negative control A15(S), which means that they are all capable of inducing cytokine secretion, in particular IL10 and γ interferon secretion.

Claims

1. An immunostimulant oligonucleotide, characterized in that it comprises at least one nucleotide sequence having the following formula
5′ TTN_1N_2TT 3′, in which T signifies thymine, and N_1 and N_2 may each represent adenine, thymine, cytosine or guanine, and in that it lacks a dinucleotide CG in which the cytosine C is not methylated.

2. The oligonucleotide as claimed in claim 1, characterized in that it comprises from 6 to 100 nucleotides.

3. The oligonucleotide as claimed in claim 1, characterized in that N_1 represents adenine and in that N_2 represents guanine.

4. The oligonucleotide as claimed in one of the preceding claims, characterized in that the 5′ T T N_1 N_2 T T 3′ unit is repeated at least once.

5. The oligonucleotide as claimed in the preceding claim, characterized in that the 5′ T T N_1 N_2 T T 3′ unit is repeated twice.

6. The oligonucleotide as claimed in either of claims 4 and 5, characterized in that the repeated 5′ T T N_1 N_2 T T 3′ units are separated by a nucleotide N_3 which, each time, may be identical or different, and which may represent A, C, T or G.

7. The oligonucleotide as claimed in the preceding claim, characterized in that the nucleotide N_3 separating the first two TTN_1N_2TT units read when the sequence is in the 5′ → 3′ orientation represents cytosine.

8. The oligonucleotide as claimed in one of the preceding claims, characterized in that it comprises the sequence 5' TTAGTTCTTAGTTN$_3$TTAGTT 3', in which A represents adenine, T represents thymine, G represents guanine and C represents cytosine, and in which N_3 may signify A, T, C or G.

9. The oligonucleotide as claimed in one of the preceding claims, characterized in that it is capable of inducing human lymphocyte proliferation.

10. The oligonucleotide as claimed in one of the preceding claims, characterized in that it is capable of inducing cytokine secretion.

11. The oligonucleotide as claimed in the preceding claim, characterized in that it is capable of producing IL 10 secretion.

12. The oligonucleotide as claimed in claim 10, characterized in that it is capable of inducing γ interferon secretion.

13. The oligonucleotide as claimed in one of the preceding claims, characterized in that it is capable of increasing the expression of the activation marker CD86 on human B lymphocytes.

14. The oligonucleotide as claimed in one of the preceding claims, characterized in that it is capable of increasing the expression of the cytokine receptor CD25 on human B lymphocytes.

15. The use of an oligonucleotide as claimed in one of the preceding claims, for manufacturing a medicinal product.

16. The use of an oligonucleotide as claimed in one of claims 1 to 10, for manufacturing a human immunostimulant.

17. The use of an oligonucleotide as claimed in one of claims 1 to 10, for manufacturing an immunization adjuvant.

18. The use of an oligonucleotide as claimed in one of claims 1 to 10, for manufacturing an immunization composition.

19. An immunization composition for human use, comprising at least one immunization antigen, characterized in that it also comprises at least one oligonucleotide as claimed in one of claims 1 to 10.

Case No.: 01-1702

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Immunostimulant Oligonucleotide

the specification of which was filed **November 30, 2001** via Express Mail and is designated United States Application Serial Number **09/980,265**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	Number	Country	Day/Month/Year Filed
1.	**99/07,457**	**France**	**08 June 1999**
2.	**99/10,378**	**France**	**06 August 1999**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	Application Number	Filing Date
1.		
2.		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I

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acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	Application Number	Filing Date
1.	**PCT/FR00/01566**	**08 June 2000**
2.		

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: **020306**
Principal attorney or agent: **Michael S. Greenfield**
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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